



TOWN OF SHELTER ISLAND

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CHAPTER 47

BURNING, OPEN

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[HISTORY: Adopted by the Town Board of the Town of Shelter Island 3-23-1990 by L.L. No. 1-1990. Amendments noted where applicable.]

§47-1. Title.

This chapter shall be known as the "Town of Shelter Island Open Burning Local Law."

§ 47-2. Purpose;policy.

A. The Town of Shelter Island is the only town in Suffolk County which is authorized to issue permits for residential open burning without the requirement of a companion permit from another agency outside the township.

B. The Town Board deems it in the public interest to allow such activity. However, it also believes that regulation of residential open burning is in the best interest of the overall community.

C. Therefore, the purpose of this chapter is to regulate residential open burning within the town while promoting the health, safety and welfare of the community.

§ 47-3. Statutory authority.

This chapter is adopted as a local law pursuant to the authority of the Municipal Home Rule Law.

§ 47-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BURNING PERMIT - A permit issued by a Fire Warden authorizing the open burning of certain materials generated by residences within the town. **[Amended 12-8-2000 by L.L. No. 13-2000]**

COVER OVER - The complete saturation of the fire residue and/or the covering of the immediate area with soil, sand or other nonflammable material.

DISTRICTS - The boundaries of the respective fire districts to which the Fire Warden is assigned.

FIRE WARDENS - The duly appointed Fire Wardens of the Town of Shelter Island. For purposes of this chapter, the Fire Wardens are the Fire Chiefs of the Shelter Island Fire District. **[Amended 12-8-2000 by L.L. No. 13-2000]**

RESIDENTIAL OPEN BURNING - The outdoor burning of authorized materials generated by residential-type activities.

§ 47-5. Issuance of permit for burning of certain materials; burning period restricted. **[Amended 12-8-2000 by L.L. No. 13-2000]**

A. The Town Board of the town of Shelter Island hereby authorizes the Fire Wardens to issue burning permits for the open burning of the following materials generated from residences within the town: brush, stumps, grass, leaves, scraps of untreated and clean lumber, paper, cartons and garden or agricultural debris.

B. Such burning is not permitted from June 15 through September 15 of each year.

§ 47-6. Permit required; application; transferability; fees; term; indemnificatin.

A. No person shall set, kindle, start, refuel, feed or continue any fire within the limits of the Town of Shelter Island without first obtaining a permit from the Fire Warden within the fire district in which such burning is to take place.

B. Written application shall be made for such permit on a form supplied by the Fire Warden. The application shall be signed by the owner or occupant of the land on which the burning is to take place, as well as by the adult individual who will be supervising the fire, if different. Both parties will be held responsible for any negligence and for any injury or damage caused by the fire. The permit shall be issued in the names of those individuals only.

C. Permits are not transferable, and any change in activity, operation, location, ownership or use shall require a new permit.

D. There shall be no fee for permits. However, the Town Board reserves the right to establish permit fees by resolution.

E. The term of all permits issued in the calendar year 2000 shall expire on December 31, 2000. Permits issued thereafter shall be valid for a maximum period of two years. The term of such permits shall commence on the date of issuance and shall expire on December 31 of the year issued if the issue year is an even-numbered year and, if issued in an odd-numbered year, shall expire on December 31 of the next even-numbered year. **[Amended 12-8-2000 by L.L. No. 13-2000]**

F. The execution of a permit shall constitute an agreement that the permit holder and the heirs and/or assigns of the permit holder will indemnify and hold the Town of Shelter Island and its authorized agents and/or representatives

completely blameless for any liability for negligence, injury or damage which may arise in connectin with the issuance of this permit.

§ 47-7. Regulations.

A. Fires governed by this chapter shall not be started prior to sunrise and shall be extinguished by sunset. Any area used for burning shall be covered over at the end of each day's operation with nonflammable materials to prevent the possible spread of fire.

B. No individual shall start a fire unles the fire is personally supervised and constantly attended by the permit holder and with sufficient help at hand to control and prevent is spread.

C. All exposures must be protected and necessary equipment in place to prevent extension of the fire and/or radiant heat damage to adjacent buildings and property.

D. Flammable liquids may not be used to start or support any fires.

E. The burning of wetlands is not permitted.

F. No individual shall start a fire within 25 feet of any building unless it is confined in a metal can, masonry incinerator or a receptable made of wire and completely covered, with a top so constructed as to keep pieces of materials from blowing away, and only after inspection by the Fire Warden.

G. A Fire Warden may temporarily suspend any permit and/or prohibit any and all fires when he deems it necessary to protect the health and safety of the community.

§ 47-8. Additional regulations.

The Town Board reserves the right to enact additional regulations with respect to burning permits. Any permits issued pursuant to this chapter shall be issued subject to the holder thereof conforming to the regulations now in force and effect or that thereafter may be adopted by resolution of the Town Board.

§ 47-9. Severability.

In the event that any portion of this chapter is found by a court of competent jurisdiction to be invalid, such division shall not affect the validity of the remaining portions of this chapter.

§ 47-10. Penalties for offenses.

Failure to comply with a provision of this chapter shall be deemed a violation and shall be punishable by a fine of not more than \$250 or by imprisonment not to exceed 15 days, or both, and by the revocation of any permit issued hereunder. Each day such violation continues shall constitute a separate violation.

§ 47-11. When effective.

This chapter shall become effective immediately upon filing with the Secretary of State.